

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BERNARDO PEREZ,)
)
Defendant.)

CASE NO. 07-31M

DETENTION ORDER

Offenses charged:

Count I: Possession with Intent to Distribute Marijuana, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(D), and Title 18, U.S.C., Section 2;

Count II: Conspiracy to Distribute Cocaine, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(A) and 846.

Date of Detention Hearing: January 26, 2007

The Court, having conducted a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety

1 of any other person and the community. The Government was represented by Susan Roe.
2 The defendant was represented by Allen Bentley.

3 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

4 (1) There is probable cause to believe the defendant committed the drug
5 offense. The maximum penalty is in excess of ten years. There is
6 therefore a rebuttable presumption against the defendant's release based
7 upon both dangerousness and flight risk, under Title 18 U.S.C. §
8 3142(e).

9 (2) Nothing in this record satisfactorily rebuts the presumption for several
10 reasons. Under Title 18 § 3142 (g), the Court considered the following:

11 (a) The nature and circumstances of the offense charged, including
12 whether the offense is a crime of violence or involves a narcotic
13 drug. Here the two charged offenses are possession with intent to
14 distribute marijuana and conspiracy.

15 (b) The weight of the evidence. Evidence of controlled substances
16 and a substantial sum (\$150,000) of money were seized from the
17 defendant's vehicle and residence.

18 (c) The history and characteristics of the person. The defendant's
19 ties are to the Yakima community, with family members who
20 reside there appearing at today's hearing. His parents were
21 willing to have him live with them. While Defendant reports that
22 he has recently traveled to Mexico, the Government alleges that
23 these trips are directly connected to the transport of controlled
24 substances across international borders. Current employment has
25 not been verified.

26 (d) Risk of danger to the community. The nature of the two offenses

1 present an inherent danger to the community.

2 Based upon the foregoing information, it appears that there is no condition or
3 combination of conditions that would reasonably assure future Court appearances and/or
4 the safety of other persons or the community.

5 **It is therefore ORDERED:**

- 6 (1) The defendant shall be detained pending trial and committed to the
7 custody of the Attorney General for confinement in a correction facility
8 separate, to the extent practicable, from persons awaiting or serving
9 sentences or being held in custody pending appeal;
- 10 (2) The defendant shall be afforded reasonable opportunity for private
11 consultation with counsel;
- 12 (3) On order of a court of the United States or on request of an attorney for
13 the Government, the person in charge of the corrections facility in which
14 the defendant is confined shall deliver the defendant to a United States
15 Marshal for the purpose of an appearance in connection with a court
16 proceeding; and
- 17 (4) The clerk shall direct copies of this order to counsel for the United
18 States, to counsel for the defendant, to the United States Marshal, and to
19 the United States Pretrial Services Officer.

20 DATED this 25th day of January, 2007.

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24 MONICA J. BENTON
25 United States Magistrate Judge
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